

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/
This Notice Relates To:

ALL CASES
_____ /

**NOTICE OF THE SPECIAL MASTER REGARDING
PAYMENT FOR SERVICES PROVIDED BY WOLF GARRETSON LLC
FOR THE PURPOSE OF ASSISTING THE SPECIAL MASTER WITH
THE CLAIMS ADMINISTRATION PROCESS FOR THE PERIOD APRIL
1, 2024 THROUGH JULY 31, 2024 AND FOR BALANCE OF PER-
CLAIMANT FEES ON CLAIMS REVIEWED THROUGH JULY 31, 2024**

On July 31, 2018, under Federal Rule of Civil Procedure 53, the Court appointed Deborah E. Greenspan to serve as a Special Master. Amended Order Appointing Special Master (“Special Master Appointment Order”), ECF No. 544, PageID.16581-16590. The Special Master Appointment Order specified various assigned duties and noted potential additional tasks that could be performed by the Special Master, as directed by the Court.

On November 10, 2021, the Court issued its *Opinion and Order Granting Final Approval Of A Partial Settlement, Granting Certification Of A Settlement Class, Granting Appointment Of Settlement Class Counsel [1794], Denying Objections, And Adopting The Report And Recommendation [2006]* (“Opinion and

Final Approval Order”), 571 F. Supp. 3d 746 (E.D. Mich. 2021) (ECF No. 2008, PageID.69537-69714).

The Opinion and Final Approval Order approved the settlement reached between Plaintiffs and the Settling Defendants in the Amended Settlement Agreement (“ASA”), ECF No. 1394-2, PageID.54120-54211 (dated January 15, 2021).¹ The ASA specified various duties of the Special Master and defines the Special Master as Deborah Greenspan. ASA, at §1.77, ECF No. 1394-2, PageID.54136. As set forth in the Opinion and Final Approval Order, pursuant to the ASA, the Special Master oversees various aspects of the settlement and her duties include: “(1) consulting with the Claims Administrator and making decisions regarding registration and participation; (2) considering and deciding, in a timely fashion, any appeals taken by participants ...; and (3) handling any disputes that arise involving the ASA.” Opinion and Final Approval Order, 571 F. Supp. 3d at 761, ECF No. 2008 at PageID.69554 (citing ASA at PageID.54163–54174).

On January 20, 2022, the Court issued its *Order Regarding Settlement-Related Duties Of The Special Master*, ECF No. 2096, PageID.71973 (“January 2022 Order”). By this Order, the Court amended its previous Special Master Appointment Order and directed Deborah E. Greenspan to fulfill all of the duties of

¹ Unless otherwise defined herein, all capitalized terms herein have the same meaning set forth in the ASA.

Special Master set forth in the ASA. *See* January 2022 Order, PageID.71975. The January 2022 Order further provided:

Under the provisions of the Special Master Appointment Order, the Court further directs the Special Master to assist the Court in its oversight role by supervising the implementation of the ASA, including, without limitation, supervision and audit of the claims administration process and the entities engaged to provide services in connection with the review, evaluation, and administration of claims and the distribution of settlement assets. The Special Master shall address issues of interpretation of Exhibit 8 to the ASA and the exhibits thereto and shall be authorized and directed to provide direction to the Claims Administrator regarding questions of interpretation. The Special Master may submit recommendations to the Court regarding interpretation matters. Any determinations regarding interpretation affecting the eligibility of and compensation category of claims shall be posted on the Claims Administrator's website. The Special Master shall report to the Court periodically on the progress of the settlement and on any issues or matters of concern that may arise under the implementation of the ASA.

Id. at PageID.71975-71976.

On January 31, 2023, the Special Master filed a *Report and Recommendation of the Special Master Regarding Addition of Claims Administrator Services for the Partial Settlement* (ECF No. 2341). In that report, the Special Master recommended that “the Court approve the engagement of two entities to design and implement revised claims management and review processes and to design additional quality control procedures.” *Id.*, at PageID.75991. The Special Master identified the two proposed entities as Wolf Garretson LLC and Alvarez & Marsal Disputes and Investigations, LLC. *Id.*, at PageID.75992. The Special Master's recommendations were approved by this Court in an *Order Authorizing Engagement Of Wolf*

Garretson LLC And Alvarez & Marsal Disputes And Investigations, LLC Under The Supervision Of The Special Master To Provide Certain Defined Services In Connection With The Administration Of Claims In the Partial Settlement, dated February 1, 2023 (ECF No. 2341) (“February 1, 2023 Order”).

Consistent with the February 1, 2023 Order, the Special Master engaged Wolf Garretson LLC (“Wolf Garretson”) to provide certain defined services in connection with the claims administration process. The engagement was memorialized in the “Flint Water Cases Settlement Program Services Agreement” (the “Agreement”), executed on February 13, 2023. The Agreement includes a Services Agreement that identifies Pattern Data as an entity that is to provide certain of the services including the claims review platform under the Agreement. Under Schedule 1 of the Agreement, Wolf Garretson is entitled to be paid a “Per-Claimant” fee for the initial claims review plus hourly fees for other activities not associated with the Per-Claimant fees and expenses.

On February 23, 2023, the Court entered an *Order Authorizing Distribution of Funds From the Qualified Settlement Fund for Initial Payment for Services Provided by Wolf Garretson LLC for the Purpose of Assisting the Special Master With the Claims Administration Process*, (ECF No. 2371), which authorized payment of 40% of the estimated “Per-Claimant” fees (“the Advance Payment”). On August 10, 2023, the Court entered an *Order Authorizing Distribution of Funds*

from the Qualified Settlement Fund for Payment for Services Provided by Wolf Garretson LLC and Pattern Data for the Purpose of Assisting the Special Master with the Claims Administration Process, (ECF No. 2551), which authorized the distribution of funds from the FWC Qualified Settlement Fund for the purpose of paying the remaining 60% of the “Per-Claimant” fees for the specific number of claims for which Wolf Garretson LLC and Pattern Data completed a “first pass” review as of May 31, 2023, plus hourly fees and expenses for services provided for the period January 1, 2023 through May 31, 2023. On November 10, 2023, the Court entered an order authorizing a distribution of funds from the FWC Qualified Settlement Fund for the purpose of paying the remaining 60% of the “Per-Claimant” fees for a specific number of claims for which Wolf Garretson LLC and Pattern Data had completed a “first pass” review as of August 31, 2023, plus hourly fees and expenses for services provided for the period June 1, 2023 through August 31, 2023. (ECF No. 2681). On March 7, 2024, the Court entered an order authorizing a distribution of funds from the FWC Qualified Settlement Fund for the purpose of paying the remaining 60% of the “Per-Claimant” fees for a specific number of claims for which Wolf Garretson LLC and Pattern Data had completed a “first pass” review as of November 30, 2023, plus hourly fees and expenses for services provided for the period September 1, 2023 through November 30, 2023. (ECF No. 2882). On June 21, 2024, the Court entered an order authorizing a distribution of funds from

the FWC Qualified Settlement Fund for the purpose of paying the remaining 60% of the “Per-Claimant” fees for a specific number of claims for which Wolf Garretson LLC and Pattern Data had completed a “first pass” review as of March 31, 2024, plus hourly fees and expenses for services provided for the period December 1, 2023 through March 31, 2024. (ECF No. 3020).

Wolf Garretson in conjunction with Pattern Data has now submitted an invoice for the remaining 60% of the “Per-Claimant” fees for the specific number of additional claims for which it has completed a “first pass” review as of July 31, 2024, plus hourly fees and expenses for services provided for the period April 1, 2024 through July 31, 2024. Wolf Garretson has agreed to hold back hourly fees in this invoice for upper management at this time, and the total amount of the invoice after reduction for those amounts is \$1,303,415.19. The Special Master has reviewed the invoice and determined that invoice includes a component for first pass review and hourly rate charges as set forth in the Agreement with Wolf Garretson LLC.

The invoice has been circulated to counsel for the Settling Plaintiffs. The Settling Plaintiffs reserve all rights to raise objections and/or issues at a later time – after all “first pass reviews” have been completed and any revisions to the process have been implemented. The Special Master anticipates that there may be adjustments to this and other invoices once the claims review process is complete.

The ASA expressly authorizes adjustments in fee payments. *See* ASA at § 12.4, ECF No. 1394-2, PageID.54163.

Payment

The fees, if approved, would be paid from the FWC Qualified Settlement Fund, which has been established under the terms of the Court's February 2, 2021 *Order Granting Motion To Establish Qualified Settlement Fund and Sub-Qualified Settlement Funds, and Establishing QSF Authorized Banking Institution [1408]*, ECF No. 1410.

I recommend that the Court authorize payment of this invoice to enable the completion of the claim review process and further recommend that Court approve the fees preliminarily subject to adjustment and reconciliation including specifically reduction when the review process nears completion. By this Notice, I am requesting that the Court authorize the payment of \$1,303,415.19 as directed by the Special Master for payment to Pattern Data.

Respectfully submitted,

Date: November 1, 2024

/s/ Deborah E. Greenspan

Deborah E. Greenspan

Special Master

BLANK ROME LLP

Michigan Bar # P33632

1825 Eye Street, N.W.

Washington, DC 20006

Telephone: (202) 420-2200

Facsimile: (202) 420-2201

Deborah.Greenspan@blankrome.com

CERTIFICATE OF SERVICE

I certify that on November 1, 2024, I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to attorneys of record.

Dated: November 1, 2024

/s/ Deborah E. Greenspan

Deborah E. Greenspan

Special Master

BLANK ROME LLP

Michigan Bar # P33632

1825 Eye Street, N.W.

Washington, DC 20006

Telephone: (202) 420-2200

Facsimile: (202) 420-2201

Deborah.Greenspan@blankrome.com